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June 3, 2014

**VIA ECF**

Hon. Vernon S. Broderick, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, NY 10007

**Re:** *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542

Dear Judge Broderick:

We write to inform Your Honor that the JPML issued its Transfer Order today, directing transfer and “coordination or consolidation” of all related actions before Your Honor in the Southern District of New York. *See In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542, Transfer Order, ECF No. 75 (J.P.M.L. June 3, 2014) (Attachment) (“Transfer Order”).

The Panel “agree[d]” that the competitor actions – the TreeHouse action, 1:14-cv-905-VSB (S.D.N.Y.), and the JBR action, 2:14-cv-00677-KJM-CKD (E.D. Cal.) – “present some individualized factual issues.” *Id.* at 2. It further noted that KGM’s imminent product redesign this year “is the subject of the motion for preliminary injunction and other anticipated expedited proceedings in the *JBR* and *TreeHouse* competitor actions.” *Id.* Hence, the Panel explained that “[w]ith respect to actions that may involve case-specific or time-sensitive motions [such as the competitor actions], it may be advisable to establish a separate track of proceedings if those actions, as certain plaintiffs contend, require expedited discovery or motions to protect the parties’ rights.” *Id.* As the transferee judge, “the degree of consolidation or coordination is a matter soundly dedicated to [Your Honor’s] discretion.” *Id.*

In view of the Transfer Order and the time-sensitive nature of these proceedings, TreeHouse respectfully requests that Defendant be ordered to conduct a Rule 26(f) conference immediately. Given that Defendant has taken the position in its letter to the Court today that the ESI protocol matters which it was resisting are properly “intended for use in connection with a full Rule 26(f) conference,” Defendant should be compelled to address those issues as well. *See* ECF No. 43 at 1. In addition, we ask that the Court schedule a conference at its earliest convenience to discuss targeted expedited discovery along the lines discussed by TreeHouse during our last Court conference.



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Respectfully submitted,

By: /s/ Dan K. Webb

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Aldo A. Badini

cc: All Counsel of record

Attachment